

## Wendy A. Gardea

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**From:** rvalentine@galipolaw.com  
**Sent:** Thursday, December 12, 2024 2:54 PM  
**To:** Scott W. Davenport; 'jim@talktoterrell.com'; 'sharonjbrunner@yahoo.com'  
**Cc:** James R. Touchstone; Denise L. Rocawich; Dale Galipo (dalekgalipo@yahoo.com)  
**Subject:** RE: Harper: Confirmation of Meet and Confer re: MSJ

**Caution:** This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Hi Scott,

It was nice meeting you over Zoom today. Thank you for sending this confirming email, which I agree accurately reflects the issues discussed and the details regarding the Zoom meeting.

Renee

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**From:** Scott W. Davenport <swd@jones-mayer.com>  
**Sent:** Thursday, December 12, 2024 2:43 PM  
**To:** rvalentine@galipolaw.com; 'jim@talktoterrell.com' <jim@talktoterrell.com>; 'sharonjbrunner@yahoo.com' <sharonjbrunner@yahoo.com>  
**Cc:** James R. Touchstone <jrt@jones-mayer.com>; Denise L. Rocawich <dlr@jones-mayer.com>; Dale Galipo (dalekgalipo@yahoo.com) <dalekgalipo@yahoo.com>  
**Subject:** Harper: Confirmation of Meet and Confer re: MSJ

Thank you all for taking the time to meet and confer with me this afternoon. Here is a summary I prepared:

Pursuant to this Court's Standing Order, the details of this meet and confer conference are as follows:

- (1) Names of Attorneys Present: Renee Valentine Masongsong, James Terrell and Sharon Brunner for Plaintiff and Scott Wm. Davenport for Defendants;
- (2) Date Conference Held: December 12, 2024, at 2:00 p.m.;
- (3) Conference Length: 30 minutes [2:00 p.m. to 2:30 p.m.];
- (4) Manner in Which Conference Held: Via Zoom;
- (5) Issues Discussed: (a) Sufficiency of Plaintiff's Excessive Force Claim; (b) Qualified Immunity; (c) Sufficiency of Administrative Tort Claim; (d) California Statutory Immunities [GC 821.6, 820.2, 815.2, etc.]; (e) Sufficiency of Plaintiff's Battery Claim; (f) Sufficiency of Plaintiff's Negligence Claim; (g) Sufficiency of Plaintiff's Negligent Infliction of Emotional Distress Claim; (h) Sufficiency of Plaintiff's Claim for Violation of the Bane Act; and (i) Potential Heck v. Humphrey Bar.
- (6) What Issues Were Resolved: Plaintiffs agreed not to go forward on an independent cause of action for Negligent Infliction of Emotional Distress (*Casouras v. CHP*, 17 Cap.App.5th 766 (2017)) but will seek damages for emotional injury; Defendants agreed not to seek summary judgment based on either the insufficiency of the Administrative Tort Claim or based on Heck v. Humphrey [unless supplemental analysis reveals that plaintiff was convicted of delaying, resisting arrest, or battery on a police officer]. The parties further agreed to work together on a revised briefing schedule so as not to impact Holiday or vacation plans by both counsel.

Also, as I indicated, I have no problem giving you additional time to prepare the opposition, particularly given the holidays (subject to court approval). Please confirm this meet and confer and I will send you proposed dates in a moment.

-Scott



Scott W. Davenport | Certified Appellate Specialist\*

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\*Certified by the State Bar of California,  
Board of Legal Specialization